

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

| | | |
|--------------------------|---|-----------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | 1:01cr455 (LMB) |
| |) | |
| ZACARIAS MOUSSAOUI |) | |
| a/k/a "Shaqil," |) | |
| a/k/a "Abu Khalid |) | |
| al Sahrawi," |) | |
| |) | |
| Defendant. |) | |

ORDER

Before the Court is the defendant's Motion to Seal Pursuant to Local Criminal Rule 49(E)(Motion to Seal), in which he asks the Court for an order sealing both an attached Motion to Preserve and Obtain Videotapes, Reports, and Memoranda of June 10, 2004 (Motion to Preserve) and the videotapes, reports, and memoranda referenced in the Motion to Preserve.

The public interest in this case justifies keeping sealed pleadings to a minimum. Finding that the Court's Order of June 10, 2004, is not under seal, and that the defendant's Motion to Preserve reveals neither sealed information nor information that would prejudice any party if disclosed prior to trial, defendant's Motion to Seal, to the extent it requests that the Motion to Preserve be sealed, is DENIED, and it is hereby

ORDERED that defendant's Motion to Preserve be filed in the

public file.¹

To the extent defendant's Motion to Seal also requests that the videotapes, reports, and memoranda that are the subject of the Motion to Preserve be filed under seal with the Court and maintained under seal, the Motion to Seal is GRANTED. Similar materials previously have been sealed because public disclosure could jeopardize the safety and security of the detention center where the defendant is incarcerated. Moreover, premature public disclosure of potential evidence could jeopardize the parties' right to a fair trial. For these reasons, it is hereby

ORDERED that the United States Marshal for the Eastern District of Virginia file with the Clerk of Court under seal the original videotape² at issue as well as copies of any and all reports and memoranda regarding the events depicted in the videotape, whether created by staff at the Alexandria Adult Detention Center or the United States Marshals Service, and it is further

ORDERED that the United States Marshal supply to counsel of record copies of these reports and memoranda. Counsel must treat these materials and their contents as sealed until further order of the Court.

¹Along with the Motion to Preserve, defendant has filed a Non-Confidential Memorandum. Obviously, that memorandum is a public filing.

²The Court is aware of only one videotape and has therefore not ordered that videotapes be filed.

The Clerk is directed to forward copies of this Order to
counsel of record and the United States Marshal.

Entered this 22nd day of July, 2004.

_____/s/_____
Leonie M. Brinkema
United States District Judge

Alexandria, Virginia